



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: October 22, 2020

Agenda Item: Rulemaking Petition to Ban Motorized Use on the Boulder River

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

Background:

On August 31st, 2020, the Commission received a rulemaking petition to ban motorized use on the Boulder River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Boulder River. The petition was submitted by Tom Patterson on behalf of co-petitioners Kristi Patterson, Dan Rostad, Stuart and Dava Stenberg, Brian and Mary Ann Finnan, and Keith and Marie Engle. The petition also included a letter in support signed by 47 persons. The petition references safety concerns with jet boats that can operate at high rates of speed when stream flows are very low. The petition states that the Boulder River is a small river with many blind turns and narrow channels and motorized boats moving up and down the river at high rates of speed create a public health hazard for boaters and other users, including dangerous possibility of collisions between a jet boat and irrigation equipment, livestock, children swimming, floating on inner tubes and rafts, and residents fishing.

Public Involvement Process & Results:

Public comment has not been collected on the petition. The Commission will take public comment at the meeting. If the Commission opts to initiate rulemaking, the public will have the opportunity to provide comments after the proposed rule language is published in the Montana Register pursuant to the administrative rulemaking procedures.

Alternatives & Analysis:

The Commission may initiate rulemaking on the petition. Should this occur, public comment will be collected during the rulemaking process.

The Commission may deny the petition. Should this occur, motorized use on the Boulder River will remain as it currently is with no restrictions.

Agency Recommendation & Rationale:

FWP anticipates opposing advocacies for and against this petition. Initiating rulemaking would allow all advocates the opportunity to articulate their opinions on this topic prior to the commission taking any final action.

Proposed Motion:

To gather public input and better understand all perspectives, I move the Fish and Wildlife Commission initiate administrative rulemaking on the petition to ban motorized use on the Boulder River.